



Calaveras County Air Pollution Control District

891 Mountain Ranch Road, San Andreas, CA 95249

Phone: 209-754-6399 Fax: 209-754-6722

www.calaverasgov.us

Ms. Carol Sutkus
Air Quality Planning and Science Division
California Air Resources Board
1001 I Street
Sacramento, California 95814

FROM: Calaveras County Air Pollution Control District

DATE: March 13, 2019

RE: Rule 428 SIP Submission

This letter is in regard to the submission of the Calaveras County Air Pollution Control District (CCAPCD) Rule 428, NSR Requirements for New and Modified Major Sources in Nonattainment Areas, for inclusion into the SIP. This is a new rule to reflect the requirements of 40 CFR, Part 51, Subpart I - Review of New Sources and Modifications (§§ 51.160 - 51.166).

Attached are all documents in pdf format as indicated in "Rule 428 SIP Completeness Checklist", also attached. We believe this constitutes a full and complete submission for inclusion in the SIP.

Attachment List:

1. Rule 428, NSR Requirements for New and Modified Major Sources in Nonattainment Areas
2. Public notice in the County Newspaper of Record
3. County Board of Supervisors Resolution
4. Rule evaluation form
5. Staff report for Rule 428 (informational preamble to the Board Resolution)

If you have any questions, please contact me at the contact information below.

Respectfully,

A handwritten signature in blue ink, appearing to be "Brad Banner".

Brad Banner, APCO

(209)754-6399

bbanner@co.calaveras.ca.us

CALIFORNIA AIR RESOURCES BOARD

SIP COMPLETENESS CHECKLIST
(Electronic Format)

***** TO BE COMPLETED BY DISTRICT AND RETURNED TO ARB *****

All rules submitted to the EPA as State Implementation Plan (SIP) revisions must be supported by certain information and documentation for the rule packages to be deemed complete for review by the EPA. Rules will not be evaluated for approvability by the EPA unless the submittal packages are complete. To assist you in determining that all necessary materials are included in rules packages sent to the ARB for submittal to the EPA, please fill out the following form and include it with the rule package you send ARB. See the ARB's Guidelines on the Implementation of the 40 CFR 51, Appendix V, for a more detailed explanation than is provided here. Adopted rules and rule amendments should be checked against U.S. EPA's Guidance Document for Correcting Common VOC & Other Rule Deficiencies (Little Blue Book, August 21, 2001) to ensure that they contain no elements which will result in disapproval by EPA.

District: Calaaveras County Air Pollution Control District

Rule No: 428

Rule Title: NSR Requirements for New and Modified Major Sources in Nonattainment Areas

Date Adopted or Amended: 03/12/2019

ADMINISTRATIVE MATERIALS

Note: All documents should be in electronic format. Items that have signatures, initials, or stamps may be scanned.

<u>Attached</u>	<u>Not Attached</u>	<u>N/A</u>	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<u>COMPLETE COPY OF THE RULE:</u> Provide an unmarked copy of the entire rule as adopted or amended by your District Board.
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<u>UNDERLINE AND STRIKEOUT COPY OF THE RULE:</u> If an amended rule, provide a complete copy of the rule indicating in underline and strikeout format all language which has been added, deleted, or changed since the rule was last adopted or amended.
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<u>COMPLETE COPY OF THE REFERENCED RULE(S):</u> For any rule which includes language specifically referencing another rule, a copy of that other rule must also be submitted, unless it has already been submitted to EPA as part of a previous SIP submittal.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<u>PUBLIC NOTICE EVIDENCE:</u> Include a copy of the local newspaper clipping certification(s), stating the date of publication, which must be at least 30 days before the hearing. As an alternative, include a copy of the actual published notice of the public hearing as it appeared in the local newspaper(s). In this case, however, enough of the newspaper page must be included to show the date of publication. The notice must specifically identify by title and number each rule adopted or amended.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<u>RESOLUTION/MINUTE ORDER:</u> Provide the Board Clerk certified resolution or minute order. This document must include certification that the hearing was held in accordance with the information in the public notice. It must also list the rules that were adopted or amended, the date of the public hearing, and a statement of compliance with California Health and Safety Code Sections 40725-40728 (Administrative Procedures Act).
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<u>PUBLIC COMMENTS AND RESPONSES:</u> Submit copies of written public comments made during the notice period and at the public hearing. Also submit any written responses prepared by the District staff or presented to the District Board at the public hearing. A summary of the public comments and responses is adequate. If there were no comments made during the notice period or at the hearing, please indicate N/A to the left.

CALIFORNIA AIR RESOURCES BOARD

SIP COMPLETENESS CHECKLIST
(Electronic Format)

TECHNICAL MATERIALS

<u>Attached</u>	<u>Not Attached</u>	<u>N/A</u>	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<u>RULE EVALUATION FORM:</u> See instructions for completing the Rule Evaluation Form and the accompanying sample form.
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<u>NON-EPA TEST METHODS:</u> Attach all test methods that are referenced in your rule that do not appear in 40 CFR 51, 60, 61, 63, or have not been previously submitted to EPA. EPA methods used in other media such as SW846 for solid waste are not automatically approved for air pollution applications. Submittal of test methods that are not EPA-approved should include the information and follow the procedure described in Region 9's "Test Method Review & Evaluation Process."
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<u>MODELING SUPPORT:</u> Provide if appropriate. In general, modeling support is not required for VOC and NOx rules to determine their impacts on ozone levels. Modeling is required where a rule is a relaxation that affects large sources (≥ 100 TPY) in an attainment area for SO ₂ , directly emitted PM ₁₀ , CO, or NO _x (for NO ₂ purposes). In cases where EPA is concerned with the impact on air quality of rule revisions which relax limits or cause a shift in emission patterns in a nonattainment area, a reference back to the approved SIP will be sufficient provided the approved SIP accounts for the relaxation and provided the approved SIP used the current EPA modeling guidelines. If current EPA modeling guidelines were not used, then new modeling may be required.
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<u>ECONOMIC AND TECHNICAL JUSTIFICATION FOR DEVIATIONS FROM EPA POLICIES:</u> The District staff report or other information included with the submittal should discuss all potential relaxations or deviations from RACT, RACM, BACT, BACM, enforceability, attainment, RFP, or other relevant EPA requirements. This includes, for example, demonstrating that exemptions or emission limits less stringent than the presumptive RACT (e.g., a CTG) meet EPA's 5 percent policy, and demonstrating that all source categories exempted from a RACM/BACM rule are de minimus according to EPA's RACM/BACM policy.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<u>ADDITIONAL MATERIALS:</u> Provide District staff reports and any other supporting information concerning development of the rule or rule changes. This information should explain the basis for all limits and thresholds contained in the rule.

APCD/AQMD RULE EVALUATION FORM -- Page 1
(Electronic Format)**I. GENERAL INFORMATION**District: Calaveras County Air Pollution Control DistrictRule No(s): 428 Date adopted/Amended/Rescinded: 03/12/2019Rule Title(s): NSR REQUIREMENTS FOR NEW AND MODIFIED MAJOR SOURCES IN NONATTAINMENT AREASDate Submitted to ARB: 03/13/2019If an Amended Rule, Date Last Amended (or Adopted): naIs the Rule Intended to be Sent to the U.S. EPA as a SIP Revision? ☒ Yes ☐ No (If No, do not complete remainder of form)District Contact: Doug Carson Phone Number: 209-754-6588 E-mail Address: dcarson@co.calaveras.ca.usNarrative Summary of New Rule or Rule Changes: ☒ New Rule ☐ Amended RuleThis rule is to meet EPA requirements for new construction or major modification of major sources in nonattainment areas.Pollutant(s) Regulated by the Rule (Check): ☒ ROG ☒ (NO_x) ☐ SO₂
☐ (CO) ☐ PM ☐ TAC (name): _____**II. EFFECT ON EMISSIONS***Complete this section ONLY for rules that, when implemented, will result in quantifiable changes in emissions. Attach reference(s) for emission factor(s) and other information. Attach calculation sheet showing how the emission information provided below was determined.*Net Effect on Emissions: ☐ Increase ☐ Decrease ☒ N/A

Emission Reduction Commitment in SIP for this Source Category: _____

Inventory Year Used to Calculate Changes in Emissions: _____ Area Affected: _____

Future Year Control Profile Estimate (Provide information on as many years as possible):

APCD/AQMD RULE EVALUATION FORM -- Page 2
(Electronic Format)

Baseline Inventory in the SIP for the Control Measure: _____

Emissions Reduction Commitment in the SIP for the Control Measure: _____

Revised Baseline Inventory (if any): _____

Revised Emission Reduction Estimate (if developed): _____

*Note that the district's input to the Rule Evaluation Form will not be used as input to the ARB's emission forecasting and planning.***III. SOURCES/ATTAINMENT STATUS**District is: ☐ Attainment ☒ Nonattainment ☐ SplitApproximate Total Number of Small (<100 TPY) Sources Affected by this Amendment: 0Percent in Nonattainment Area: na%Number of Large (\geq 100 TPY) Sources Controlled: 0 Percent in Nonattainment Area: na%Name(s) and Location(s) (city and county) of Large (\geq 100 TPY) Sources Controlled by Rule (Attach additional sheets as necessary): na**IV. EMISSION REDUCTION TECHNOLOGY**Does the Rule Include Emission Limits that are Continuous? ☐ Yes ☒ NoIf Yes, Those Limits are in Section(s) na of the Rule.Other Methods in the Rule for Achieving Emission Reductions are: LAER**V. OTHER REQUIREMENTS**

The Rule Contains:

Emission Limits in Section(s): na Work Practice Standards in Section(s): naRecordkeeping Requirements in Section(s): 1.5 Reporting Requirements in Section(s): 1.5

APCD/AQMD RULE EVALUATION FORM -- Page 3
(Electronic Format)

VI. IMPACT ON AIR QUALITY PLAN

☒ No Impact ☐ Impacts RFP ☐ Impacts attainment

Discussion: This rule defines procedures to evaluate if a new construction or major modification of a nonattainment pollutant stationary source will provide a net emissions increase. If applicable, it includes Authority to Construct and emissions offset requirements. The APCD currently does not regulate any major stationary sources.



CALAVERAS COUNTY BOARD OF SUPERVISORS AGENDA SUBMITTAL

Short Name/Subject Adoption of Air District Rule 428, New Source Review Requirements	Board Meeting Date March 12, 2019	Agenda Number 19
Dept: Enviromental Management Agency Div: Air Pollution Control District Contact: Bradley Banner Phone: 209/754-6399	Supervisory District Number Countywide	Regular Agenda
Published Notice Required? Yes Public Hearing Required? No		Estimated Time: 5 Minutes
Type of Document? Resolution PowerPoint Presentation Included? No Budget Transfer Included (Must be signed by Auditor)? No Complete Agreement Required? No Position Allocation Change? No		

RECOMMENDATION:

Adopt a Resolution authorizing the Board Chair to sign Calaveras County Air Quality Control District Resolution adopting Rule 428, New Source Review Requirements.

DISCUSSION/SUMMARY:

Introduction

The Calaveras County Air Pollution Control District (CCAPCD) is proposing to adopt Rule 428 in fulfillment of federal requirements for a New Source Review (NSR) rule under the Clean Air Act (CAA) as amended 1990. The proposed rule would apply to Calaveras County, which has been designated as Nonattainment for National Ambient Air Quality Standards. New Source Review is a preconstruction review program for major or potentially major sources of nonattainment air pollutants and their precursor pollutants.

Background

Calaveras County has been designated under the CAA as Nonattainment areas for the 8-hour ozone National Ambient Air Quality Standards (NAAQS) and the California PM10 AAQS, respectively. One of the requirements in the CAA is that nonattainment areas must adopt a New Source Review rule. Title 40 of the Code of Federal Regulations (CFR), Part 51 specifies requirements for nonattainment areas. The NSR requirements are mainly found in 40 CFR §51.160 through §51.165.

Summary of Proposed Rule, Including Potential Impacts to Affected Sources And The Environment

A New Source Review (NSR) rule is required under the CAA for all federally designated nonattainment areas. Adoption of this rule fulfills this requirement. This rule was based on a model rule developed by EPA and ARB for California air districts. In the absence of a federally

approved local NSR rule, existing federal legislation applies to new major sources in nonattainment areas. Basically, this rule codifies federal NSR requirements at the local level. Laura Yannayon of EPA has already reviewed the proposed Rule 428 and believes it is federally approvable.

NSR is a preconstruction review program that specifically applies in federally designated nonattainment areas. The requirements of this rule apply to the proposed construction of any new major stationary source or any major modification located at an existing major stationary source. A major source is currently defined as one emitting at least 100 tons per year of a regulated pollutant, although that threshold could conceivably drop in the future if attainment is not reached by specific dates. There are currently no major sources located in federal nonattainment areas within the Calaveras County Air Pollution Control District boundaries.

If a major source wishes to become established in a federal nonattainment area, there would likely be significant costs associated with obtaining the necessary emission offsets, conducting required analyses and obtaining permits. However, these costs would already be imposed by existing federal and state legislation that apply until this rule is effective. Thus, this rule does not impose any new costs on previous, existing or future sources.

Authority and Rule Adoption Requirements

The District is authorized to regulate sources of air pollutants under the California Health and Safety Code (HSC) §40001 and §40702.

HSC §40728.5 requires a socioeconomic analysis for proposed rules in districts having a population greater than 500,000 persons. The CCAPCD's population is approximately 45,000, so this requirement does not apply.

This rule is exempt from the requirements of CEQA per Class 8 (§15308) of the CEQA Guidelines.

The California Health and Safety Code requires the District to comply with a rule adoption protocol as set forth in §40727 of the Code. There are six findings the District must make when developing, amending, or repealing a rule and shown in the table on the following page.

Recommendation

Approval by the Calaveras County Air Pollution Control District Board of Directors of the above findings and proposed Rule 428.

Findings	Definition	Determination
Authority	A provision of law or of a state or federal regulation permits or requires the regional agency to adopt, amend, or repeal the regulation.	HSC Sections 40001, 40702, and 41511. Federal Clean Air Act sections 172(c)(5) and 173.
Necessity	A need exists for the regulation, or its	It is necessary for the CCAPCD to adopt

	amendment, or appeal, as demonstrated by the record or rule making authority.	this rule in order to comply with the Clean Air Act and thereby avoid federal sanctions.
Clarity	The regulation is written or displayed so that its meaning can be easily understood by the persons directly affected by it.	The proposed rule is written in such a manner that it can be understood by affected sources, and the rule's subsections are descriptively titled.
Consistency	The regulation is in harmony with, and not in conflict with or contradictory to, existing statutes, court decisions, or state or federal regulation.	This rule is consistent with State and federal regulations.
Non-Duplication	A regulation does not impose the same requirements as an existing state or federal regulation unless a district finds that the requirements are necessary or proper to execute the powers and duties granted to, and imposed upon, a district.	This rule fills a gap in CCAPCD regulations for federally required New Source Review in nonattainment areas at the pre-application review stage.
Reference	Any statute, court decision, or other provision of law that the district implements, interprets, or makes specific by adopting, amending, or repealing a regulation.	This rule is being proposed consistent with the requirements of CAA Title 1, Part D, Section 172(c)(5) and 40 CFR Part 51, Sections 160-165.

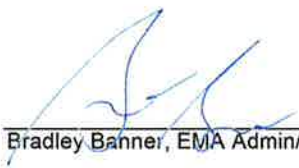
FINANCING:

Adoption of this new Rule is not expected to have an impact on General Fund or to create additional workload for CCAPCD.

ALTERNATIVES:

The Board could opt to not adopt the proposed rule, but doing so could adversely impact the General Fund if road funds are withheld by the Federal government.

APPROVED BY:



Bradley Banner, EMA Admin/APCO

2/8/2019



Diane Severud, Deputy Clerk of the Board of Supervisors

2/8/2019



Julie Moss-Lewis, Deputy County Counsel

2/8/2019



Edmie Rich, Deputy CAO

2/25/2019

WHEREAS, the Calaveras County Board of Supervisors sits as the Calaveras County Air Pollution Control District Board; and,

WHEREAS, Calaveras County has been designated under the Clean Air Act (CAA) as a nonattainment area for the 8-hour ozone National Ambient Air Quality Standards (NAAQS); and

WHEREAS, one of the requirements in the CAA is that nonattainment areas must adopt a New Source Review rule; and

WHEREAS, Title 40 of the Code of Federal Regulations (CFR), Part 51 specifies requirements for nonattainment areas; and

WHEREAS, the Environmental Protection Agency (EPA) has worked with Calaveras County Air Pollution Control District (District) staff and has reviewed the proposed Rule 428 and found it to be federally approvable; and

WHEREAS, Sections 40001 and 40702 of the California Health and Safety Code (HSC) establish authority for the District to adopt Rules and Regulations as may be necessary to execute the powers and duties granted to, and imposed upon, the District by the HSC and other statutory provisions; and

WHEREAS, Section 15308 of the CEQA Guidelines provides that actions taken by regulatory agencies as authorized by state law to assure the maintenance, restoration, or enhancement of the environment where the regulatory process involves procedures for protection of the environment, are categorically exempt from CEQA reviews (Class 8 Categorical Exemption); and

WHEREAS, said rules have been properly noticed for a 30-day public review period in accordance with HSC sections 40725 and 40726; a public hearing was held on March 12, 2019 in accordance with information in the public notice; a regulations file is being maintained per HSC section 40728; and

WHEREAS, the District Board makes the following six findings as required in the rule protocol as set forth in section 40727 of the HSC when developing, amending, or repealing a rule:

- 1) There is a need to adopt these Rules; and
- 2) Under state and local law, the board has the authority to adopt these rules; and
- 3) These rules, as written, can be understood by the persons directly affected by them; and
- 4) These rules are consistent with existing statutes, court decisions, or other state and federal regulations; and
- 5) These rules, as written, do not duplicate the same requirements of an existing state or federal regulation except to the extent that the rule is necessary of proper to execute the powers and duties granted to or imposed upon the District; and
- 6) These rules have appropriate reference to a statute, court decision, or other provision of law that the District implements, interprets, or makes specific by the rule amendment.

NOW THEREFORE BE IT RESOLVED, the Calaveras County Air Pollution Control District Board of Directors hereby adopts Rule 428 as part of the Calaveras County Air Pollution Control District Rules and Regulations as presented in Attachment A, effective the date of this adoption.

**RULE 428 – NSR REQUIREMENTS FOR NEW AND MODIFIED MAJOR SOURCES IN
NONATTAINMENT AREAS (ADOPTED ON MARCH 12, 2019)**

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11	EFFECTIVE DATE FOR REFERENCED FEDERAL REGULATIONS.....	ERROR! BOOKMARK NOT DEFINED.

1 APPLICABILITY PROCEDURES

1.1 PRECONSTRUCTION REVIEW REQUIREMENTS

- (a) The preconstruction review requirements of this rule apply to the proposed construction of any new major stationary source or major modification in the District that is major for a nonattainment pollutant, if the stationary source or modification is located anywhere in the designated nonattainment area, except as provided in Section 9 of this rule.
- (b) Sources subject to this rule may also be subject to other District Rules and Regulations. For purposes of the implementation and enforcement of this rule, the provisions and requirements of this rule, including but not limited to the requirements for obtaining an Authority to Construct, application submittal and content, conditional approval, public participation, and granting an Authority to Construct, shall take precedence over any other such provisions and requirements in other District Rules and Regulations. To the extent that other District Rules or Regulations may affect the stringency or applicability of this rule, such other Rules and Regulations shall not apply for purposes of the implementation or enforcement of this rule.

1.2 AUTHORITY TO CONSTRUCT REQUIREMENT

No new major stationary source or major modification to which the requirements of this rule apply shall begin actual construction without first obtaining an Authority to Construct from the reviewing authority, pursuant to this rule.

1.3 EMISSION CALCULATION REQUIREMENTS TO DETERMINE NSR APPLICABILITY

1.3.1 New Major Stationary Sources

The Federal definition of *Major Stationary Source* as incorporated by reference in Section 2 shall be used to determine if a new or modified stationary source is a new major stationary source.

1.3.2 Major Modifications

The provisions set out in paragraphs (a) through (e) below shall be used to determine if a proposed project will result in a major modification. These provisions shall not be used to determine the quantity of offsets required for a project subject to the requirements of this rule.

- (a) Except as otherwise provided in Section 1.4, a project is a major modification for a nonattainment pollutant if it causes two types of emissions increases: a significant emissions increase and a significant net emissions increase. The project is not a major modification if it does not cause a significant emissions increase. If the project causes a significant emissions increase, then the project is a major modification only if it also results in a significant net emissions increase.
- (b) The procedure for calculating (before beginning actual construction) whether a significant emissions increase will occur depends upon the type of emissions units being added or modified as part of the project, according to paragraphs (c) through (e) of this Section.

The procedure for calculating (before beginning actual construction) whether a significant net emissions increase will occur at the major stationary source is contained in the Federal definition of *Net Emissions Increase*. Regardless of any such preconstruction projections, a major modification results if the project causes a significant emissions increase and a significant net emissions increase.

- (c) **Actual-to-Projected-Actual Applicability Test for Projects that Only Involve Existing Emissions Units.** A significant emissions increase of a nonattainment pollutant is projected to occur if the sum of the difference between the projected actual emissions and the baseline actual emissions, for each existing emissions unit, equals or exceeds the significant amount for that pollutant.
- (d) **Actual-to-Potential Test for Projects that Only Involve Construction of a New Emissions Unit(s).** A significant emissions increase of a nonattainment pollutant is projected to occur if the sum of the difference between the potential to emit from each new emissions unit following completion of the project and the baseline actual emissions of these units before the project equals or exceeds the significant amount for that pollutant.
- (e) **Hybrid Test for Projects that Involve Multiple Types of Emissions Units.** A significant emissions increase of a nonattainment pollutant is projected to occur if the sum of the emissions increases for each emissions unit, using the method specified in paragraphs (c) or (d) of this Section, as applicable, with respect to each emissions unit, equals or exceeds the significant amount for that pollutant.

1.4 MAJOR SOURCES WITH PLANT-WIDE APPLICABILITY LIMITATIONS (PAL)

For any major stationary source with a PAL permit for a nonattainment pollutant, the major stationary source shall comply with the requirements in Section 9 of this rule.

1.5 PROJECTS THAT RELY ON A PROJECTED ACTUAL EMISSIONS TEST

Except as otherwise provided in paragraph (g)(iii) of this Section, the provisions of this Section shall apply with respect to any nonattainment pollutant that is emitted from projects at existing emissions units located at a major stationary source, other than a source with a PAL permit, when there is a reasonable possibility, within the meaning of paragraph (g) of this Section, that a project that is not a part of a major modification may result in a significant emissions increase of such pollutant, and the owner or operator elects to use the method specified in paragraphs (B)(1) through (B)(3) of the definition of *Projected Actual Emissions* to calculate projected actual emissions.

- (a) Before beginning actual construction of the project the owner or operator shall document and maintain a record of the following information:
 - (i) A description of the project;
 - (ii) Identification of the emissions unit(s) whose emissions of a regulated NSR pollutant could be affected by the project; and
 - (iii) A description of the applicability test used to determine that the project is not a major modification for any regulated NSR pollutant, including the baseline actual emissions, the projected actual emissions, the amount of emissions excluded under

paragraph (B)(3) of the definition of *Projected Actual Emissions* and an explanation for why such amount was excluded, and any netting calculations, if applicable.

- (b) If the emissions unit is an existing emissions unit, before beginning actual construction, the owner or operator shall provide a copy of the information set out in paragraph (a) of this Section to the APCO. Nothing in this paragraph shall be construed to require the owner or operator of such a unit to obtain any determination from the APCO concerning compliance with Rule 428 before beginning actual construction. However, such owner or operator may be subject to the requirements of District Regulation IV - AUTHORITY TO CONSTRUCT, or other applicable requirements.
- (c) The owner or operator shall monitor the emissions of any regulated NSR pollutant that could increase as a result of the project and that are emitted by any emissions unit identified in paragraph (a)(ii) of this Section; and calculate and maintain a record of the annual emissions, in tons per year (tpy), on a calendar year basis for a period of five years following resumption of regular operations after the change, or for a period of ten years following resumption of regular operations after the change if the project increases the design capacity or potential to emit that regulated NSR pollutant at such emissions unit.
- (d) If the emissions unit is an existing electric utility steam generating unit, the owner or operator shall submit a report to the APCO within sixty days after the end of each calendar year during which records must be generated under paragraph (c) of this Section, setting out the unit's annual emissions during the calendar year that preceded submission of the report.
- (e) If the emissions unit is an existing emissions unit other than an electric utility steam generating unit, the owner or operator shall submit a report to the APCO if the annual emissions, in tpy, from the project identified in paragraph (a)(ii) of this Section exceed the baseline actual emissions by a significant amount for that regulated NSR pollutant, and if such emissions differ from the projected actual emissions (prior to exclusion of the amount of emissions specified under paragraph (B)(3) of the definition of *Projected Actual Emissions*) as documented and maintained pursuant to paragraph (a)(iii) of this Section. Such report shall be submitted to the APCO within sixty days after the end of such year. The report shall contain the following:
 - (i) The name, address, and telephone number of the major stationary source;
 - (ii) The annual emissions, as calculated pursuant to paragraph (c) of this Section; and
 - (iii) Any other information that the owner or operator wishes to include in the report (e.g., an explanation as to why the emissions differ from the preconstruction projection).
- (f) The owner or operator of the source shall make the information required to be documented and maintained pursuant to this Section available for review upon a request for inspection by the APCO or the general public pursuant to the requirements contained in 40 CFR 70.4(b)(3)(viii).
- (g) A "reasonable possibility" under this Section occurs when the owner or operator calculates the project to result in either:

"Air Pollution Control Officer (APCO)" means the Air Pollution Control Officer of the Calaveras County Air Pollution Control District.

"Class I area" means any area listed as Class I in 40 CFR Part 81 Subpart D, including Section 81.405, or an area otherwise specified as Class I in the legislation that creates a national monument, a national primitive area, a national preserve, a national recreational area, a national wild and scenic river, a national wildlife refuge, or a national lakeshore or seashore.

"Clean Air Act (CAA)" means the federal Clean Air Act, 42 U.S.C. 7401 *et seq.*, as amended.

"Complete" means, in reference to an application, that the application contains all of the information necessary for processing.

"District" means the Calaveras County Air Pollution Control District.

"Emission reduction credit (ERC)" means reductions of actual emissions from emissions units that are certified by a California air district in accordance with applicable district rules and issued by the air district in the form of ERC certificates.

"Internal emission reductions" means emission reductions which have occurred or will occur at the same major stationary source where the proposed emissions increase will occur.

"Nonattainment pollutant" means any regulated NSR pollutant for which the District, or portion of the District, has been designated as nonattainment, as codified in 40 CFR 81.305, as well as any precursor of such regulated NSR pollutant specified in 40 CFR 51.165(a)(1)(xxxvii)(C).

"Permanent" means an emission reduction which is federally enforceable for the life of a corresponding increase in emissions.

"Reviewing authority" means the Air Pollution Control Officer (APCO).

"Shutdown" means the cessation of operation of any air pollution control equipment or process equipment for any purpose.

"State Implementation Plan (SIP)" means the State Implementation Plan approved or promulgated for the State of California under section 110 or 172 of the Clean Air Act.

"Startup" means the setting into operation of any air pollution control equipment or process equipment for any purpose except routine phasing in of process equipment.

"Surplus" means the amount of emission reductions that are, at the time of generation or use of an emission reduction credit (ERC), not otherwise required by federal, state, or local law, not required by any legal settlement or consent decree, and not relied upon to meet any requirement related to the California State Implementation Plan (SIP). However, emission reductions required by a state statute that provides that the subject emission reductions shall be considered surplus may be considered surplus for purposes of this rule if those reductions meet all other applicable requirements. Examples of federal, state, and local laws, and of SIP-related requirements, include, but are not limited to, the following:

- (i) The federally-approved California SIP;
- (ii) Other adopted state air quality laws and regulations not in the SIP, including but not limited to, any requirement, regulation, or measure that: (1) the District or the State has included on a legally required and publicly available list of measures that are scheduled for adoption by the District or the State in the future; or (2) is the subject of a public notice distributed by the District or the State regarding an intent to adopt such revision;
- (iii) Any other source or source-category specific regulatory or permitting requirement, including, but not limited to RACT, New Source Performance Standards (NSPS), National Emission Standards for Hazardous Air Pollutants (NESHAP), Best Available Control Measures (BACM), BACT, and LAER; and
- (iv) Any regulation or supporting documentation that is required by the Federal Clean Air Act, but is not contained or referenced in 40 CFR Part 52, including but not limited to: assumptions used in attainment and maintenance demonstrations (including Reasonable Further Progress demonstrations and milestone demonstrations), including any proposed control measure identified as potentially contributing to an enforceable near-term emission reduction commitment; assumptions used in conformity demonstrations; and assumptions used in emissions inventories.

"Temporary source" means an emission source such as a pilot plant or a portable facility which will be located outside the nonattainment area after less than a cumulative total of 90 days of operation in any 12 continuous months.

"Tons per year (tpy)" means annual emissions in tons.

- (c) The definitions contained in 40 CFR 51.100 shall apply, and are hereby incorporated by reference.
- (d) The definitions contained in 40 CFR 51.301 shall apply, and are hereby incorporated by reference.

3 APPLICATION REQUIREMENTS

3.1 APPLICATION SUBMITTAL

The owner or operator of any proposed new major stationary source or major modification required to obtain an Authority to Construct pursuant to this rule shall submit a complete application to obtain an Authority to Construct on forms provided by the APCO and include in the application submittal the information listed in Section 3.2 as well as the demonstrations listed in Sections 3.3-3.6. Designating an application complete for purposes of permit processing does not preclude the APCO from requesting or accepting any additional information.

3.2 APPLICATION CONTENT

At a minimum, an application for an Authority to Construct shall contain the following information related to the proposed new major stationary source or major modification:

- (a) Identification of the applicant, including contact information.
- (b) Identification of address and location of the new or modified source.
- (c) An identification and description of all emission points, including information regarding all regulated NSR pollutants emitted by all emissions units included in the new source or modification.
- (d) A process description of all activities, including design capacity, which may generate emissions of regulated NSR pollutants in sufficient detail to establish the basis for the applicability of standards and fees.
- (e) A projected schedule for commencing construction and operation for all emissions units included in the new source or modification.
- (f) A projected operating schedule for each emissions unit included in the new source or modification.
- (g) A determination as to whether the new source or modification will result in any secondary emissions.
- (h) The emission rates of all regulated NSR pollutants, including fugitive and secondary emission rates, if applicable. The emission rates must be described in tons per year and for such shorter term rates as are necessary to establish compliance using the applicable standard reference test method or other methodology specified (i.e., grams/liter, ppmv or ppmw, lbs/MMBtu).
- (i) The calculations on which the emission rate information is based, including fuel specifications, if applicable and any other assumptions used in determining the emission rates (e.g., HHV, sulfur content of natural gas).
- (j) The calculations, pursuant to Section 1.3, used to determine applicability of this rule, including the emission calculations (increases or decreases) for each project that occurred during the contemporaneous period.
- (k) The calculations, pursuant to Section 4.3 (offset), used to determine the quantity of offsets required for the new source or modification.
- (l) Identification of existing emission reduction credits or identification of internal emission reductions, including related emission calculations and proposed permit modifications required to ensure emission reductions meet the offset integrity criteria of being real, surplus, quantifiable, permanent and federally enforceable or enforceable as a practical matter.
- (m) If applicable, a description of how performance testing will be conducted, including test methods and a general description of testing protocols.

3.3 LOWEST ACHIEVABLE EMISSION RATE (LAER)

The applicant shall submit an analysis demonstrating that LAER has been proposed for each emissions unit included in the new major stationary source or major modification that emits a nonattainment pollutant for which the new stationary source or modification is classified as major.

3.4 STATEWIDE COMPLIANCE

The applicant shall submit a certification that each existing major stationary source owned or operated by the applicant (or any entity controlling, controlled by, or under common control with the applicant) in the State is in compliance with all applicable emission limitations and standards under the Clean Air Act or is in compliance with an expeditious compliance schedule which is federally enforceable.

3.5 ANALYSIS OF ALTERNATIVES

The applicant shall submit an analysis of alternative sites, sizes, production processes, and environmental control techniques for the proposed source that demonstrates the benefits of the proposed source significantly outweigh the environmental and social costs imposed as a result of its location, construction, or modification.

3.6 SOURCES IMPACTING CLASS I AREAS

The applicant for a proposed new major source or major modification that may affect visibility of any Mandatory Class I Federal Area shall provide the APCO with an analysis of impairment to visibility that would occur as a result of the source or modification and general commercial, residential, industrial, and other growth associated with the source or modification, as required by 40 CFR Section 51.307(b)(2).

3.7 APPLICATION FEES

The applicant shall pay the applicable fees specified in District Regulation VI: FEES.

4 EMISSIONS OFFSETS

4.1 OFFSET REQUIREMENTS

- (a) The emission increases of a nonattainment pollutant for which the new stationary source or modification is classified as major, shall be offset with federally enforceable ERCs or with internal emission reductions.
- (b) ERCs from one or more sources may be used, alone or in combination with internal emission reductions, in order to satisfy offset requirements.
- (c) Emissions reductions achieved by shutting down an existing emissions unit or curtailing production or operating hours may only be credited for offsets if such reductions are surplus, permanent, quantifiable, and federally enforceable; and
- (d) The shutdown or curtailment occurred after the last day of the base year for the attainment plan for the specific pollutant; or
- (e) The projected emissions inventory used to develop the attainment plan explicitly includes the emissions from such previously shutdown or curtailed emissions units. However, in no event may credit be given for shutdowns that occurred before August 7, 1977.

4.2 TIMING

- (a) Internal emission reductions used to satisfy an offset requirement must be federally enforceable prior to the issuance of the Authority to Construct, which relies on the emission reductions.
- (b) Except as provided by paragraph (c) of this Section, the decrease in actual emissions used to generate ERCs or internal emission reductions must occur no later than the commencement of operation of the new or modified major stationary source.
- (c) Where the new emissions unit is a replacement for an emissions unit that is being shut down in order to provide the necessary offsets, the APCO may allow up to one hundred eighty (180) calendar days for shakedown or commissioning of the new emissions unit before the existing emissions unit is required to cease operation.

4.3 QUANTITY

The quantity of ERCs or internal emission reductions required to satisfy offset requirements shall be determined in accordance with the following:

- (a) The unit of measure for offsets, ERCs, and internal emission reductions shall be tons per year (tpy). All calculations and transactions shall use emission rate values rounded to the nearest one one-hundredth (0.01) tpy.
- (b) The quantity of ERCs or internal emission reductions required shall be calculated as the product of the amount of increased emissions, as determined in accordance with paragraph (c) of this Section, and the offset ratio, as determined in accordance with paragraph (d) of this Section.
- (c) The amount of increased emissions shall be determined as follows:
 - (i) When the offset requirement is triggered by the construction of a new major stationary source, the amount of increased emissions shall be the sum of the potential to emit of all emissions units.
 - (ii) When the offset requirement is triggered by a major modification of an existing major stationary source, the amount of increased emissions shall be the sum of the differences between the allowable emissions after the modification and the actual emissions before the modification for each emissions unit.
 - (iii) The amount of increased emissions includes fugitive emissions.
- (d) The ratios listed in Table 1 shall be applied based on the area's designation for each pollutant, as applicable. The offset ratio is expressed as a ratio of emissions increases to emission reductions.

Table 1. Federal Offset Ratio Requirements by Area Designation and Pollutant

Area Designation	Pollutant	Offset Ratio
Marginal Ozone Nonattainment Area	NO _x or VOC	1:1.1
Moderate Ozone Nonattainment Area	NO _x or VOC	1:1.15

Serious Ozone Nonattainment Area	NO _x or VOC	1:1.2
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4.4 EMISSION REDUCTION REQUIREMENTS

- (a) Internal emission reductions or ERCs used to satisfy an offset requirement shall be:
 - (i) Real, surplus, permanent, quantifiable, and federally enforceable; and
 - (ii) Surplus at the time of issuance of the Authority to Construct containing the offset requirements.
- (b) Permitted sources whose emission reductions are used to satisfy offset requirements must appropriately amend or cancel their Authority to Construct or Permit to Operate to reflect their newly reduced potential to emit, including practicably enforceable conditions to limit their potential to emit.
- (c) Emission reductions must be obtained from the same nonattainment area, however, the APCO may allow emission reductions from another nonattainment area if the following conditions are met:
 - (i) The other area has an equal or higher nonattainment classification than the area in which the source is located; and
 - (ii) Emissions from such other area contribute to a violation of the national ambient air quality standard in the nonattainment area in which the source is located.
- (d) The use of ERCs shall not provide:
 - (i) Authority for, or the recognition of, any pre-existing vested right to emit any regulated NSR pollutant;
 - (ii) Authority for, or the recognition of, any rights that would be contrary to applicable law; or
 - (iii) An exemption to a stationary source from any emission limitations established in accordance with federal, state, or county laws, rules, and regulations.

4.5 RESTRICTIONS ON TRADING POLLUTANTS

- (a) The emission offsets obtained shall be for the same regulated NSR pollutant except as specified below.
- (b) For the purposes of satisfying the offset requirements for the ozone precursors NO_x and VOC, the APCO may approve interpollutant emission offsets for these precursor pollutants on a case by case basis, if all other requirements for such offsets are also satisfied. The permit applicant shall submit information to the reviewing authority, including the proposed ratio for the precursor substitution for ozone, a description of the air quality model(s) used, and the technical demonstration substantiating the equivalent or greater air quality benefit for ozone in the nonattainment area. The APCO shall impose, based on the air quality analysis, emission offset ratios in addition to the requirements of Table 1. Interpollutant emission offsets must receive written approval by the U.S. Environmental Protection Agency.

- (c) In no case, shall the compounds excluded from the definition of *Volatile Organic Compounds* be used as offsets for Volatile Organic Compounds.

5 ADMINISTRATIVE REQUIREMENTS

5.1 VISIBILITY

The APCO shall provide written notice and conduct any necessary review and consultation with the Federal Land Manager regarding any proposed major stationary source or major modification that may impact visibility in any Mandatory Class I Federal Area, in accordance with the applicable requirements of 40 CFR 51.307.

5.2 AMBIENT AIR QUALITY STANDARDS

The APCO may require the use of an air quality model to estimate the effects of a new or modified stationary source. The analysis shall estimate the effects of the new or modified stationary source, and verify that the new or modified stationary source will not prevent or interfere with the attainment or maintenance of any ambient air quality standard. In making this determination, the APCO shall take into account the mitigation of emissions through offsets pursuant to this rule, and the impacts of transported pollutants on downwind pollutant concentrations. The APCO may impose, based on an air quality analysis, offset ratios greater than the requirements of paragraph (d) of Section 4.3.

5.3 AIR QUALITY MODELS

All estimates of ambient concentrations required, pursuant to this rule, shall be based on applicable air quality models, databases, and other requirements specified in 40 CFR Part 51, Appendix W ("Guideline on Air Quality Models"). Where an air quality model specified is inappropriate, the model may be modified or another model substituted. Such a modification or substitution of a model may be made on a case-by-case basis or, where appropriate, on a generic basis. Written approval from the EPA must be obtained for any modification or substitution. In addition, use of a modified or substituted model must be subject to public notification and the opportunity for public comment given.

5.4 STACK HEIGHT PROCEDURES

The degree of emission limitation required of any source for control of any air pollutant must not be affected by so much of any source's stack height that exceeds good engineering practice or by any other dispersion technique, except as provided in 40 CFR 51.118(b). For the purposes of this Section, the definitions in 40 CFR 51.100 shall apply.

- (a) Before the Control Officer issues an Authority to Construct under this rule to a source with a stack height that exceeds good engineering practice (GEP) stack height, the Control Officer shall notify the public of the availability of the demonstration study and provide opportunity for a public hearing.

- (b) Any field study or fluid model used to demonstrate GEP stack height and any determination concerning excessive concentration must be approved by the EPA and the Control Officer prior to any emission limit being established.
- (c) The provisions of Section 5.4 do not restrict, in any manner, the actual stack height of any stationary source or facility.

6 AUTHORITY TO CONSTRUCT – DECISION

6.1 PRELIMINARY DECISION

Following acceptance of an application as complete, the APCO shall perform the evaluations required to determine if the proposed new major stationary source or major modification will comply with all applicable District, state and federal rules, regulations, or statutes, including but not limited to the requirements under Section 3 of this rule, and shall make a preliminary written decision as to whether an Authority to Construct should be approved, conditionally approved, or denied. The decision shall be supported by a succinct written analysis. The decision shall be based on the requirements in force on the date the application is deemed complete, except when a new federal requirement, not yet incorporated into this rule, applies to the new or modified source.

6.2 AUTHORITY TO CONSTRUCT – PRELIMINARY DECISION

- (a) Prior to issuance of a preliminary written decision to issue an Authority to Construct for a new major stationary source or major modification, the APCO shall determine:
 - (i) That each emissions unit(s) that constitutes the new source or modification will not violate any applicable requirement of the District's portion of the California State Implementation Plan (SIP); and
 - (ii) That the emissions from the new or modified stationary source will not interfere with the attainment or maintenance of any applicable national ambient air quality standard; and
 - (iii) That the emission limitation for each emissions unit that constitutes the new source or modification specifies LAER for such units.

If the APCO determines that technological or economic limitations on the application of measurement methodology to a particular class of sources would make the imposition of an enforceable numerical emission standard infeasible, the APCO may instead prescribe a design, operational or equipment standard. In such cases, the APCO shall make its best estimate as to the emission rate that will be achieved and must specify that rate in the application review documents. Any Authority to Construct issued without an enforceable numerical emission standard must contain enforceable conditions which assure that the design characteristics or equipment will be properly maintained or that the operational conditions will be properly performed to continuously achieve the assumed degree of control. Such conditions shall be enforceable as emission limitations by private parties under

section 304 of the Clean Air Act. The term "emission limitation" shall also include such design, operational, or equipment standards; and

- (iv) The quantity of ERCs or internal emission reductions required to offset the new source or modification, pursuant to Section 4.3; and
 - (v) That all ERCs or internal emission reductions required for the new source or modification have been identified and have been made federally enforceable or legally and practicably enforceable; and
 - (vi) That the quantity of ERCs or internal emission reductions determined under paragraph (b) of Section 4.3 will be surrendered prior to commencing operation.
- (b) Temporary sources and emissions resulting from the construction phase of a new source are exempt from paragraphs (iv), (v) and (vi) of this Section.

6.3 AUTHORITY TO CONSTRUCT CONTENTS

- (a) An Authority to Construct for a new major stationary source or major modification shall contain terms and conditions:
 - (i) which ensure compliance with all applicable requirements and which are enforceable as a legal and practical matter.
 - (ii) sufficient to ensure that the major stationary source or major modification will achieve LAER in accordance with paragraphs (b) and (c) of this Section.
- (b) A new major stationary source shall achieve LAER for each nonattainment pollutant for which the source is classified as major.
- (c) A major modification shall achieve LAER for each nonattainment pollutant for which the modification would result in a significant net emissions increase. This requirement applies to each proposed emissions unit at which a net emissions increase in the nonattainment pollutant would occur as a result of a physical change, or change in the method of operation of the emissions unit.

6.4 AUTHORITY TO CONSTRUCT – FINAL DECISION

- (a) Prior to making a final decision to issue an Authority to Construct for a new major stationary source or major modification, the APCO shall consider all written comments that are submitted within 30 days of public notification and all comments received at any public hearing(s) in making a final determination on the approvability of the application and the appropriate Authority to Construct conditions. The District shall make all comments available, including the District's response to the comments, for public inspection in the same locations where the District made preconstruction information relating to the proposed source or modification available.
- (b) The APCO shall deny any application for an Authority to Construct if she/he finds the new source or modification would not comply with the standards and requirements set forth in District, state, or federal rules or regulations.

- (c) The APCO shall make a final decision whether to issue or deny the Authority to Construct after determining that the Authority to Construct will or will not ensure compliance with all applicable emission standards and requirements.
- (d) The APCO shall notify the applicant in writing of the final decision and make such notification available for public inspection at the same location where the District made preconstruction information and public comments relating to the source available.

6.5 PERMIT TO OPERATE

The applicable terms and conditions of an issued Authority to Construct shall be included in any Permit to Operate subsequently issued by the APCO for the same emission units.

7 SOURCE OBLIGATIONS

7.1 ENFORCEMENT

Any owner or operator who constructs or operates a source or modification not in accordance with the application submitted pursuant to this rule, any changes to the application as required by the APCO, or the terms of its Authority to Construct or Permit to Operate, shall be subject to enforcement action.

7.2 TERMINATION

Approval to construct shall terminate if construction is not commenced within eighteen months after receipt of such approval, if construction is discontinued for a period of eighteen months or more, or if construction is not completed within a reasonable time. The APCO may extend the 18-month period once upon a satisfactory showing of good cause why an extension is justified. This provision does not apply to the time period between construction of the approved phases of a phased construction project; each phase must commence construction within eighteen months of the projected and approved commencement date.

7.3 COMPLIANCE

Approval to construct shall not relieve any owner or operator of the responsibility to comply fully with applicable provisions of the SIP and any other requirements under local, state, or federal law.

7.4 RELAXATION IN ENFORCEABLE LIMITATIONS

At such time that a particular stationary source or modification becomes a major stationary source or major modification solely by virtue of a relaxation in any enforceable limitation which was established after August 7, 1980, on the capacity of the stationary source or modification to emit a pollutant, then the requirements of this rule shall apply to the stationary source or modification as though construction had not yet commenced on the stationary source or modification.

8 PUBLIC PARTICIPATION

After the APCO has made a preliminary written decision to issue an Authority to Construct for a new major stationary source or major modification, as specified in Sections 6.1 and 6.2, the APCO shall:

- (a) Publish, in at least one newspaper of general circulation in the District, a notice stating the preliminary decision of the APCO, noting how pertinent information can be obtained, including how the public can access the information specified in Section 8(b), and inviting written public comment for a 30-day period following the date of publication. The notice shall include the time and place of any hearing that may be held, including a statement of procedure to request a hearing (unless a hearing has already been scheduled).
- (b) No later than the date the notice of the preliminary written determination is published, make available in at least one location in each region in which the proposed source would be constructed, a copy of all materials the applicant submitted, a copy of the preliminary decision, a copy of the proposed Authority to Construct and a copy or summary of other materials, if any, considered in making the preliminary written decision.
- (c) Send a copy of the notice of public comment to the applicant, EPA Region 9, any persons requesting such notice and any other interested parties such as: any other state or local air pollution control agencies, the chief executives of the city and county where the source would be located; any comprehensive regional land use planning agency, and any state, Federal Land Manager, or Indian governing body whose lands may be affected by emissions from the source or modification.
- (d) Provide opportunity for a public hearing for persons to appear and submit written or oral comments on the air quality impact of the source, alternatives to it, the control technology required, and other appropriate considerations, if in the APCO's judgment such a hearing is warranted. The APCO shall give notice of any public hearing at least 30 days in advance of the hearing.

9 PLANT-WIDE APPLICABILITY LIMITS (PAL)

The APCO shall issue a Plant-wide Applicability Limit (PAL) permit according to the provisions contained in 40 CFR 51.165(f)(1) through (14). The provisions of 40 CFR 51.165(f)(1) through (14), are hereby incorporated by reference.

10 INVALIDATION

If any provision of this rule or the application of such provision to any person or circumstance is held invalid, the remainder of this rule or the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby.

11 EFFECTIVE DATE FOR REFERENCED FEDERAL REGULATIONS

All references and citations in this rule to Title 40 of the Code of Federal Regulations (CFR) refer to the referenced federal regulation as in effect on March 12, 2019.


John Garamendi, District 2 Supervisor 3/12/2019

ATTEST


Rebecca Turner, Clerk-Recorder 3/12/2019

PROOF OF PUBLICATION
(2015-5 C.C.P.)

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Calaveras County
Legal Notices

Public Notice

The Board of Supervisors, sitting as the Calaveras County Air Pollution Control District Board of Directors, will conduct a public hearing at 9:00 a.m. on March 12, 2019 in the Board Chambers of the Government Center at 891 Mountain Ranch Road, San Andreas, California, to consider the adoption of new Rule 428: New Source Review (NSR) for New and Modified Major Stationary Sources in Calaveras County, of the Calaveras County Air Pollution Control District ("District") Rules.

Proposed Rule 428 adds additional requirements to preconstruction review for major sources emitting more than 100 tons/year of nonattainment pollutants. No sources existing or proposed at this time will be affected by these rules but the proposed adoption and revision of rules is required by federal law for nonattainment areas. Copies of the rule and supporting documentation and analysis may be available for review at the District office at the street address listed below.

The public is invited to submit written comments through March 8, 2019 to the District by contacting the District as described below. The public may also submit oral or written comments at the hearing.

Please mail comments to: Brad Banner, Environmental Health Director/ Air Pollution Control Officer, 891 Mountain Ranch Road, San Andreas, CA 95249; email bbanner@co.calaveras.ca.us; or call 209.754.6632.

Published: February 6, 2019 VSN

I am a citizen of the United States and a resident of the County aforesaid. I am over the age of eighteen years. I am the principal clerk of the printer of The Valley Springs News, a newspaper of general circulation, printed bi-weekly in the Township of Valley Springs, California, County of Calaveras, that the notice of which the annexed is printed copy (set in type) not smaller than nonpareil, has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following dates: to wit:

2/6

all in the year 2019

I certify (or declare) under penalty of perjury that the foregoing is true and correct.

Dated at Valley Springs, California

this 6th day of February, 2019

Signature

Cheryl Hansen

THE Valley Springs NEWS

1906 Vista Del Lago, Ste. L
P.O. Box 1297, Valley Springs, CA 95252
(209) 772-2234